IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1243 OF 2006

Shri Sudhir Nishikant Biswas ....Applicant.

V/s

The State of Maharashtra ....Respondent.

Ms Pranali Kakade for the applicant.
Ms. S.D. Shinde, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 29th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant has an apprehension that he is likely to be arrested in connection with C.R. No. 370 of 2005 registered with Sahakarnagar Police Station for the offence punishable under section 366(A), 368, 372, 376, 323, 506 read with section 34 of the Indian Penal Code.

3. It is alleged that the prosecutrix was sold by one Joy Biswas and she was forced in the prostitution business and she was detained in the hotel.

4. It is submitted by the learned Counsel appearing on behalf of the applicant that the only role

attributed to the present applicant is that the prosecutrix had a telephonic conversation with the applicant and that, thereafter, the applicant had come to the room where the prosecutrix was kept and asked two women to keep watch on her. It is submitted that besides this statement of the prosecutrix, there is no other evidence showing involvement of the applicant. It is submitted that all other accused have been released on bail. The learned Counsel also invited my attention to the statements of the other witnesses in which no particular role has been attributed to the present applicant.

5. It is not possible to accept the submissions made by the learned Counsel appearing for the applicant. Considering the prosecution case, in my view, this is not a fit case for grant of anticipatory bail. The statement of the prosecutrix indicates that the applicant was contacted on phone by her and despite her pleas to release her, she was not released and, on the contrary, thereafter, he came to the room where she was kept and asked the two girls to keep a watch on her. Prima facie, therefore, the provisions of section 366(A) have been attracted. In any case, this is not a fit case for grant of an anticipatory bail. The application for anticipatory bail is accordingly

rejected.

6. The applicant is at liberty to apply for regular bail. The trial court shall not be influenced by the observations made by this Court in this order while refusing the application for anticipatory bail and the trial court may not construe these observations as an expression of opinion on merits.

7. Application is accordingly disposed of.

V.M. KANADE, J.